

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

ANTHONY JEMEIR JENKINS

PLAINTIFF

VS.

CRIMINAL CASE NO. 2:16-cr-20-KS-MTP-1

UNITED STATES OF AMERICA

DEFENDANT

ORDER

THIS CAUSE IS BEFORE THE COURT on Motion for Modification of Sentence [49] filed by Anthony Jemeir Jenkins. His motion alleges that he should benefit from a recent amendment by the Sentencing Commission that was made retroactive. Effective April 10, 2014, United States Sentencing Commission unanimously decided to amend U.S.S.G. §2D1.1, the drug quantity table, and lower the offense level for all drug types. See U.S.S.G. §APP.C, Amendment 782. The Commission voted to make the Amendment retroactive as of November 1, 2014. The charge as laid in the Indictment of Movant was for possession with intent to distribute 50 grams or more of methamphetamine, a violation of 21 U.S.C. §841(a)(1). This charge was Count 3 in the Indictment. The activity of Movant as alleged in the Indictment began on or about August of 2016 and continued through October 19, 2016 in Forrest and Lamar counties in Mississippi. Count 3 alleges that on or about September 15, 2016, in Lamar County that the defendant did knowingly and intentionally possess with intent to distribute 50 grams or more of the mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance. This is the count to which defendant pled guilty. The guilty plea occurred on June 13, 2017, before the undersigned judge. The Presentence Report used the 2016 Guidelines Manual

incorporating all guideline amendments, and it was used to determine that the defendant's offense level. U.S.S.G. §1B1.11. The offense level for Count 3 was 36. At the time of sentencing the retroactive amendment 782 had been applied to the sentencing guidelines. In other words Movant had already been given credit for the retroactive amendment for the drug quantity table. Therefore he is entitled to no retroactive application of the guideline reduction, and the Motion for Modification of Sentence is not well taken.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Motion for Modification of Sentence [49] filed by Anthony Jemeir Jenkins be and the same is, hereby DENIED.

SO ORDERED THIS THE 1st day of May, 2018.

s/Keith Starrett  
UNITED STATES DISTRICT JUDGE